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Attorneys for Defendants

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

13
14 CENTER FOR BIOLOGICAL DIVERSITY }
15 and TURTLE ISLAND RESTORATION }
16 NETWORK, }
17 Plaintiffs, }
18 v. }
19 DIRK KEMPTHORNE, Secretary of the }
20 United States Department of the Interior, and }
21 the UNITED STATES FISH AND }
22 WILDLIFE SERVICE, }
23 Defendants. }

No. C 07-5109 PJH

**STIPULATION AND PROPOSED
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

23 Pursuant to Civil L.R. 6-2 and 7-12, this Stipulation is entered into by and between Plaintiffs,
24 Center for Biological Diversity and Turtle Island Restoration Network, and Defendants, Dirk
25 Kempthorne, Secretary of the United States Department of the Interior, and H. Dale Hall, Director
26 of the United States Fish and Wildlife Service.

27 WHEREAS, on October 4, 2007, Plaintiffs filed a Complaint for Declaratory and Injunctive
28 Relief pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the Marine Mammal
Protection Act, 16 U.S.C. §§ 1361-1421h;

WHEREAS, the Initial Case Management Conference in this matter is currently set for March 20, 2008, at 2:30 p.m.;

WHEREAS, continuing discussions between the Parties as to settlement of this litigation have proven productive;

WHEREAS, the Parties believe they have reached an agreement at the staff level on the terms and language of a settlement;

WHEREAS, the determination to enter into any settlement, and on what terms, is ultimately subject to the review and approval of the appropriate supervisory officials at the Department of Justice and the Department of the Interior, and Federal Defendants need additional time to obtain the necessary review and approval for the proposed settlement;

WHEREAS, the Initial Case Management Conference has twice previously been continued, on stipulation, and each previous continuance was for a period of 30 days;

NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

1. A further two-week continuance of the Initial Case Management Conference is necessary to allow sufficient time for the settlement discussions to continue.
 2. The Initial Case Management Conference shall be continued to April 3, 2008, at 2:30 p.m.

Dated: March 12, 2008

Respectfully Submitted,

/s/ Miyoko Sakashita
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY,
Plaintiff,
v.
DIRK KEMPTHORNE, et al.,
Defendants.

No. C 07-05109 PJH

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Lawson E. Fite
LAWSON E. FITE